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10/706,397	11/12/2003	Sandeep Betarbet	030165; 190250-1460	6855
38823      7590      06/23/2010 AT&T Legal Department - TKHR Attn: Patent Docketing One AT&T Way Room 2A-207 Bedminster, NJ 07921				
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BENZON, GREG C				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/706,397

**Applicant(s)**

BETARBET, SANDEEP

**Examiner**

GREG BENZON

**Art Unit**

2444

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-11,13,14,16-19,21-25,27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-11, 13-14, 16-19, 21-25, 27, 29-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This application has been examined. Claims 1,3,5-11, 13-14, 16-19, 21-25, 27, 29-32 are pending. Claims 2, 4,12, 15, 20, 26, 28 are cancelled.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/2010 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 04/14/2010 have been considered but they are not persuasive.

The Applicant presents the following argument(s) *[in italics]*:

*... in Persels, where the reference describes that "the message is retained in the eFORWARD database 24 until the partner iBox TM eDIRECT client contacts the*

*eFORWARD Server 12 and requests delivery," the reference is describing retaining the message while the receiving iBox is not available. See col. 6, lines 15-20. As such, since the Office Action construes the iBox as a home directory, the Persels reference fails to disclose "to instruct an agent to, after saving the at least one file to the home directory, transfer the at least one file to a remote host," as recited in claim 1.*

The Examiner respectfully disagrees with the Applicant.

The Examiner notes that the 'unavailable receiving iBox' is on the remote client. The remote client iBox is different from the iBox on the server.

The Applicant remarks appear to be differentiating between 'retaining the message in the database' and 'retaining the message in the iBox home directory'.

The Examiner notes that Persels did not explicitly disclose retaining the configuration file with administrative/operational data and messages in the iBox ('home directory'). However since the conventional electronic mailboxes referred to as iBoxes reside on the eFORWARD server and the database is also on the same eFORWARD server it would have been obvious to a person of ordinary skill in the networking art that iBox 'home directory' is embodied by the database. Furthermore it would have been obvious to a person of ordinary skill in the networking art to retain the message on the eFORWARD server iBox 'home directory' in order to organize the retained messages in the database according to a user-specific structure.

The Applicant presents the following argument(s) *[in italics]*:

*Persels does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred.... [because in Persels] administrative data is not disclosed to contain instructions to transfer a file to a remote host or computer. Rather, the administrative data includes information needed to validate a request to transfer or receive a file and does not indicate a host name or port name of a remote computer where a saved file in a home directory is to be transferred.*

The Examiner respectfully disagrees with the Applicant.

Persels Column 2 Lines 55-66 disclosed a pre-assigned port for implementing the transfer protocol. Persels Column 7 Lines 15-20 also disclosed wherein administrative/operational data pertaining to the iBoxes are kept in the forwarding database. Where the iBoxes are interpreted as the home directory it would have been obvious for Persels to include the pre-assigned port and IP address information of the remote host (the *eDIRECT client*) as part of the administrative/operational data for each iBox.

The Examiner notes that the database containing the administrative/operational data for each iBox is equivalent to *a configuration file residing in a home directory*.

Hashem Column 12 Lines 50-65 disclosed a configuration file including host name and port for file transfers.

It would have been obvious to include the host name and port information as disclosed by Hashem in the administrative data by Persels in order to avoid unnecessary search and discovery procedures for each and every subsequent file transfer operation.

The Applicant presents the following argument(s) *[in italics]*:

*... Hashem is describing the transfer of a file to a terminating file transfer server and not a remote host or computer. The file being transferred is sent from an originating site or computer to a terminating site or computer...*

The Examiner respectfully disagrees with the Applicant.

Hashem disclosed communication between a home system 4 and a plurality of remote entities (80, 90). Files are transferred over the network 70 using FTP. The remote entities by Hashem is equivalent to a remote host or computer.

### ***Priority***

The effective date of the claims described in this application is November 12, 2003.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,5-11, 13-14, 16-19, 21-22, 24-25, 27,29-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Persels (US Patent 7065547) in view of Hashem (US Patent 7155578).

Persels disclosed (re. Claim 1) a file handling system, comprising: a terminating file transfer computer having a processor (Persels-Column 4 Lines 40-50, 'eFORWARD Server') operable to receive a file transfer message from an originating file transfer computer, the file transfer message including details (Persels-Column 5 Lines 55-65, 'specify a partner to receive a message and, optionally, a process that is requested to be executed by the receiving partner's host on receipt of a message') about the transfer including a local user and at least one filename;

the terminating file transfer computer in response to receiving the file transfer message, executing an agent,

an agent (Persels-Column 4 Lines 40-50, 'transfer protocol engine') operable to read the file transfer message, and direct the transfer of at least one file (Persels-

Column 8 Lines 10-20) associated with said at least one filename to a home directory (Persels-Column 5 Lines 50-60, *'partner iBOX to receive message'*) associated with the local user;

and a configuration file residing in the home directory of the terminating file transfer computer, (Persels-Column 7 Lines 10-20, *'administrative details pertaining to iBOX'*) and operable to instruct the agent to, after saving the at least one file to the home directory, (Persels-Column 6 Lines 15-20, *'the message is retained in the eFORWARD server database'*) transfer said at least one file to a remote host.

Persels disclosed delivering a data transfer file to its destination according to a pre-assigned port number. Persels disclosed operational information found on a database. (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*, Column 7 Lines 35-55, *'operational data'*) Persels further disclosed that to complete the data transfer the destination host name (Persels-Column 8 Lines 20-30 ) and port number must be specified. (Persels-Column 9 Lines 45-55)

Persels Column 2 Lines 55-66 disclosed a pre-assigned port for implementing the transfer protocol. Persels Column 7 Lines 15-20 also disclosed wherein administrative/operational data pertaining to the iBoxes are kept in the forwarding database. Where the iBoxes are interpreted as the home directory it would have been obvious for Persels to include the pre-assigned port and IP address information of the remote host (the *eDIRECT client*) as part of the administrative/operational data for each iBox.



The Examiner notes that the database containing the administrative/operational data for each iBox is equivalent to *a configuration file residing in a home directory*.

However Persels did not disclose the agent further configured to transfer the at least one filename in accordance with instructions from a configuration file residing in the home directory wherein the configuration file comprises a host name and a port name of the remote host thereby allowing transfer of said at least one file to the remote host without necessitating the remote host being logged on the terminating file transfer computer.

For purposes of examination the Examiner interprets said 'local presence' as a remote user logged on into the terminating file transfer computer.

Hashem disclosed (re. Claim 1) an agent further configured to transfer the at least one filename in accordance with instructions from a configuration file residing in the home directory wherein the configuration file comprises a host name and a port name of the remote host (Hashem-Column 11 Lines 30-55, Column 12 Lines 5-55) thereby allowing transfer of said at least one file to the remote host without necessitating the remote host being logged on the terminating file transfer computer.  
(Hashem-Column 5 Lines 25-55)

Hashem automatically download files to the destination user without requiring the destination user to login to the terminal file computer.

Persels and Hashem are analogous art because they present concepts and practices regarding data transfer file handling using transfer agents. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Hashem into Persels. The motivation for said combination would have been to provide data transfer processing with limited manual intervention. (Hashem-Column 3 Lines 40-55)

Persels-Hashem disclosed (re. Claim 3,13) wherein the remote host (Persels-Column 6 Lines 20-25,'iBOX DIRECT client') is associated with the local user. (Persels-Column 7 Lines 10-15,'allow user to create iBOX')

The motivation to combine described in Claim 1 applies to Claims 3,13.

Persels-Hashem disclosed (re. Claim 14) wherein the originating file transfer computer is operable to instruct the agent to execute upon receiving a file transfer message. (Persels-Column 5 Lines 55-65,'specify a partner to receive a message and, optionally, a process that is requested to be executed by the receiving partner's host on receipt of a message')

The motivation to combine described in Claim 1 applies to Claims 14.

Persels-Hashem disclosed (re. Claim 5) wherein the agent is further operable to transmit said at least one file to the remote host. (Persels-Column 9 Lines 10-20, '*If a destination client responds, then the message is immediately delivered and so marked in the eFORWARD Server database*')

The motivation to combine described in Claim 1 applies to Claims 5.

Persels-Hashem disclosed (re. Claim 6,11) wherein the agent is further operable to delete said at least one file from the home directory in accordance with the configuration file. (Persels-Column 6 Lines 25-35, '*message will be deleted once the retain period is over*')

The motivation to combine described in Claim 1 applies to Claims 6,11.

Persels-Hashem disclosed (re. Claim 7) wherein the terminating file transfer computer comprises a Connect:Direct server. (Persels-Column 4 Lines 40-50, '*eFORWARD Server*')

The motivation to combine described in Claim 1 applies to Claims 7.

Persels-Hashem disclosed (re. Claim 8) a port monitor at the remote terminal operable to monitor communications to the remote host on a port specified by the configuration file. (Persels-Column 6 Lines 10-15, '*listening port*')

The motivation to combine described in Claim 1 applies to Claims 8.

Persels-Hashem disclosed (re. Claim 9) further comprising means for monitoring a port of the remote host for communications from the agent. (Persels-Column 6 Lines 10-15, '*listening port*')

The motivation to combine described in Claim 1 applies to Claims 9.

Persels-Hashem disclosed (re. Claim 10) a method of handling files on a computer, (Persels-Column 4 Lines 40-50, '*FORWARD Server*') comprising the steps of: receiving a file transfer message (Persels-Column 5 Lines 55-65, '*specify a partner to receive a message and, optionally, a process that is requested to be executed by the receiving partner's host on receipt of a message*') from an originating file transfer computer; determining a home directory (Persels-Column 5 Lines 50-60, '*partner iBOX to receive message*') from a local user associated with the file transfer message; storing at least one file associated with the file transfer message in the home directory; (Persels-Column 5 Lines 60-65, '*incoming message is preferably accepted and stored in the database 24 for forwarding*') retrieving a configuration file from the home directory; and transmitting said at least one file responsive to the configuration file.

The motivation to combine described in Claim 1 applies to Claims 10.

Persels-Hashem disclosed (re. Claim 11) wherein the method further comprises: responsive to the configuration file, removing the message from the home directory. (Persels-Column 6 Lines 25-35, '*message will be deleted once the retain period is over*')

The motivation to combine described in Claim 1 applies to Claims 11.

Persels-Hashem disclosed (re. Claim 14) further comprising using an agent program to direct the transfer of said at least one file to the home directory. (Persels-Column 5 Lines 60-65, '*incoming message is preferably accepted and stored in the database 24 for forwarding*')

The motivation to combine described in Claim 1 applies to Claims 14.

Persels-Hashem disclosed (re. Claim 16) using a Connect:Direct server to receive the file transfer message. (Persels-Column 4 Lines 40-50, *'eFORWARD Server'*)

The motivation to combine described in Claim 1 applies to Claims 16.

Persels-Hashem disclosed (re. Claim 17) monitoring a port at a remote terminal specified by the configuration file. (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*, Column 7 Lines 35-40, *'operational data'*)

The motivation to combine described in Claim 1 applies to Claims 17.

Persels-Hashem disclosed (re. Claim 18) receiving said at least one file at the port specified by the configuration file. (Persels-Column 9 Lines 45-55)

The motivation to combine described in Claim 1 applies to Claims 18.

Persels-Hashem disclosed (re. Claim 19) a Connect:Direct file handling system, comprising: a terminating file transfer computer; an agent; and a configuration file; the terminating file transfer computer being operable launch the agent upon receipt of a file transfer message, the file transfer message comprising a local and at least one filename, username (Persels-Column 8 Lines 5-20) and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*, Column 7 Lines 35-40, *'operational data'*) and transfer said at least one file to a remote host specified by the configuration file.

The motivation to combine described in Claim 1 applies to Claims 19.

Persels-Hashem disclosed (re. Claim 21), wherein the agent is operable to remove said at least one file from the home directory after transferring said at least one file to the remote host. (Persels-Column 6 Lines 25-35, *'message will be deleted once the retain period is over'*)

The motivation to combine described in Claim 1 applies to Claims 21.

Persels-Hashem disclosed (re. Claim 22) a port monitor at a remote host, the port monitor being operable to monitor a port specified in the configuration file (Persels-Column 6 Lines 10-15, *'specified IP address and listening port'*)

The motivation to combine described in Claim 1 applies to Claims 22.

Persels-Hashem disclosed (re. Claim 24) a computer readable medium having a program for handling files on a computer, the program operable to perform the steps of: receiving a file transfer message from an originating file transfer computer; determining a home directory from a local user associated with the file transfer message; storing at least one file associated with the file transfer message in the home directory; retrieving a configuration file from the home directory; and transmitting said at least one file responsive to the configuration file. (See Claims 1,10)

The motivation to combine described in Claim 1 applies to Claims 24.

Persels-Hashem disclosed (re. Claim 25) the program further operable to perform the step of: responsive to the configuration file, removing the message from the



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Persels (US Patent 7065547) in view of in view of Hashem (US Patent 7155578) in view of Campbell (US Publication 2005/0086298).

Persels-Hashem disclosed (re. Claim 23) a file processor located at the remote terminal, the file processor being operable to receive files via the port monitor. (Persels-Column 9 Lines 10-20, 'If a destination client responds, then the message is immediately delivered and so marked in the eFORWARD Server database')

While Persels-Hashem substantially disclosed the claimed invention Persels-Hashem did not disclose (re. Claim 23) the file processor being operable to assign said at least one filename to said at least one file received, respectively.



Campbell disclosed (re. Claim 23) the file processor being operable to assign said at least one filename to said at least one file received, respectively.(Campbell-Paragraph 254-257, Paragraph 272)

At the time of the invention it would have been obvious to incorporate the rename function by Campbell into the system and method by Persels-Hashem. The motivation for said combination would have been to enable the recipient user to indicate a preferred (e.g. more easily remembered) file name.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Bengzon/

Application/Control Number: 10/706,397

Page 18

Art Unit: 2444

Examiner, Art Unit 2444